

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DARRYL KILGORE,  
  
Defendant.

CASE NO. CR17-0203-JCC  
  
ORDER

This matter comes before the Court on the Government's motion to vacate the trial date and to set a status conference (Dkt. No. 291). On March 17, 2020, the Court issued General Order No. 02-20, which provides that "[a]ll civil and criminal hearings and trial date in [the Seattle and Tacoma] Courthouses scheduled to occur before June 1, 2020, are continued pending further order of the Court" and that:

With regard to criminal matters, due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the above public health recommendations on the availability of witnesses, counsel and Court staff to be present in the courtroom, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). For the same reasons, the Court finds under 18 U.S.C. § 3060(C) extraordinary circumstances exist, and justice requires delay of all criminal preliminary hearings during the time period of the continuances implemented by this order.

1 W.D. Wash., General Order 02-20 §§ 2, 4 (Mar. 17, 2020); *see* W.D. Wash., General Order 08-  
2 20 (May 13, 2020) (extending procedures established by General Orders 02-20 and 03-20 for 30  
3 days).

4 Having thoroughly considered the Government's motion and the Court's General Orders,  
5 the Court hereby FINDS as follows:

- 6 1. For the reasons set forth in the motion and General Order 02-20, the ends of justice  
7 served by granting a continuance outweigh the best interests of the public and Defendant  
8 in a speedy trial, 18 U.S.C. § 3161(h)(7)(A); and
- 9 2. Failure to grant a continuance would likely make trial impossible, result in a miscarriage  
10 of justice, and deny counsel for both parties the reasonable time necessary for effective  
11 preparation, taking into account the exercise of due diligence, 18 U.S.C.  
12 § 3161(h)(7)(B)(i), (B)(iv).

13 For the foregoing reasons, the Government's motion to vacate the trial date and to set a  
14 status conference (Dkt. No. 291) is GRANTED. It is therefore ORDERED that the trial date of  
15 July 13, 2020, is VACATED and a status conference is scheduled for August 4, 2020, at 9:00  
16 a.m. At the status conference, the parties must propose a new trial date and pretrial motions  
17 deadline.

18 The Court further ORDERS that the time between the date of this order and the status  
19 conference is excludable time under the Speedy Trial Act, pursuant to 18 U.S.C.  
20 §§ 3161(h)(7)(A), 3161(h)(7)(B)(ii), and 3161(h)(7)(B)(iv).

21 DATED this 26th day of May 2020.

22  
23  
24 

25 John C. Coughenour  
26 UNITED STATES DISTRICT JUDGE